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REACTION PAPER TO PEDRO PINTO LEITE'S SPEECH APCET (June 1, 1994)

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Indonesia's invasion of East Timor in 1975, its installation of a puppet government and a puppet people's assembly, and its continued occupation of the island by force and brutality, are acts which clearly violate the right to self-determination of the people of East Timor. And all these Indonesia committed in disregard of prior assurance to the contrary, and in continuing violation of resolutions of the UNGA and Security Council.

Indonesia, as a member of the UN, is well aware of its obligations under the UN Charter. The Charter expressly recognizes the right of peoples to self-determination by declaring that peaceful and friendly relations among nations are to be based on the respect for the principle of equal rights and self-determination of peoples. As UN member, Indonesia has made a solemn pledge to respect this human and people's right.

With the adoption by the UNGA in 1966 of the ICCPR and ICESCR, and its ratification by the majority of states, the right of self-determination has become a mandatory rule of international law. Both covenants provide in exactly the same language that:

> "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

This means that a people can choose free from any foreign interference the political status they desire. It also includes permanent sovereignty over national resources, the right to adopt the economic and social system appropriate for the development of each people, the right of each people to develop its culture, and the right to choose freely the form of government under which they will live.

This right is a people's right. The right of self-determination is therefore to be interpreted in the context of the people. Moreover, this right is a permanent one. If it is disregarded by a tyrannical government, it remains an inherent right of the people.

Indonesia has, unfortunately, chosen to deliberately disregard this sacred right of the East Timorese people.

Perhaps it is primarily because of the East Timor issue that Indonesia has, until now, not ratified any of the major international human rights instruments. In last year's Asia-Pacific Regional Conference on Human Rights (in Bangkok) and World Conference on Human Rights (in Vienna), Indonesia's position was consistent - it insisted strongly on non-interference in internal affairs and on the cultural relativism of human rights.

Article 11 of the "Cairo Declaration on Human Rights in Islam" of the Organization of the Islamic Conference, provides:

> "(a) Human beings are born free, and no one has the right to enslave, humiliate, and oppress or exploit them, and there can be no subjugation but to God the Most-High.
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> (b) Colonialism of all types being one of the most evil forms of enslavement is totally prohibited. Peoples suffering from colonialism have the full right to freedom and self-determination. It is the duty of all States and peoples to support the struggle of colonized peoples for the liquidation of all forms of colonialism and occupation; and all States and peoples have the right to preserve their independent identity and exercise control over their wealth and natural resources."

As the largest Muslim country in the world and a leading member of the Organization of the Islamic Conference, Indonesia should be more mindful of its position as role model among other Muslim countries. It should, at least, respect its own Declaration. It should respect the right to self-determination of the East Timorese people.